

REMARKS

Claims 60, 61, 63-77, 81 and 85 are pending in the subject application. Claims 1-59, 62 78-80 and 82-84 have been cancelled. No claims have been indicated to be allowable.

Claim Objections

Claim 65 stand objected to under 37 CFR 1.75(c), as being improper dependent form for failing to further limit the subject matter of a previous claim. The Examiner has suggested that Claim 65 fails to limit Claim 60 because the cracked naphtha of Claim 65 appears to expand the list of the naphtha feeds listed in claim 60. However, as stated in the specification at page 7, see lines 7-15, the term "cracked" is used to define a naphtha feed in the claimed markush group, i.e. a naphtha feed selected from the group consisting of a light naphtha, an intermediate naphtha, a coker naphtha, a straight run naphtha and mixtures thereof, which is produced by a catalytically cracking process. Consequently, it is believed that claim 65 as written further limits claim 60 which broadly reads on a naphtha feed in the claimed markush group which has been produced by any art-recognized process.

Accordingly, Claim 60 properly depends from claim 65 as written. Applicants hereby petitions for withdrawal of the objection to the claims.

Double Patenting

Claims 60, 61, 63-77, 81 and 85 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 2,4,6-23, 78 and 82 of copending Application No. 10/382,409. This rejection is respectfully traversed.

An obviousness-type double patenting rejection rests on the prohibition against issuance of a **second patent** that would continue protection beyond the expiration of a **first patent**, where the second patent recites a mere obvious variation of the

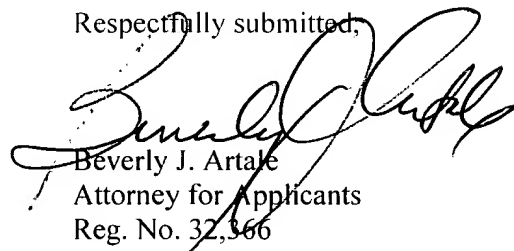
claims of the first patented invention. The test for obviousness-type double patenting is whether the **later claims** define an obvious variation of the **earlier claims**. In the case at hand, the instant claims have an **earlier filing date** than the claims of co-pending Application No. 10/382,409. Consequently, the Examiner has improperly rejected the **earlier claims** in view of the **later claims**.

Further, applicant wishes to remind the Examiner that the only rejection remaining in the instant application is the "provisional" obviousness-type double patenting rejections. Upon the issuance of the subject application, a terminal disclaimer will be considered for filing in co-pending 10/382,409, as appropriate, to permit the **later filed claims** to issue as a patent. See MPEP 804.1B.

For reasons as stated hereinabove, it is believed that the double patenting rejection is improper and should now be withdrawn.

For reasons as stated herein above, Applicants request allowance of Claims 60, 61, 63-77, 81 and 85 of the subject application.

Respectfully submitted,



Beverly J. Artale
Attorney for Applicants
Reg. No. 32,366

Tel: (410) 531-4769
W.R. Grace & Co.-Conn.
7500 Grace Drive
Columbia, Maryland 21044